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3 UNITED STATES DISTRICT COURT

4 DISTRICT OF NEVADA

5 * * *

6 ROBERTO DURAND,

7 v.

8 MUARO,

Plaintiff,

9 Defendant.

10 Case No. 3:22-cv-00338-MMD-CLB

11 ORDER

12 I. **DISCUSSION**

13 This action began with a civil-rights complaint under 42 U.S.C. § 1983 by state
14 prisoner and *pro se* plaintiff Roberto Durand. (ECF No. 1-1.) Following Durand's failure
15 to either pay the filing fee or properly apply to proceed *in forma pauperis*, the Court
16 dismissed this case without prejudice, and the Clerk of the Court entered judgment
17 accordingly. (ECF Nos. 6, 7.) Durand appealed, and the Ninth Circuit docketed an
appellate case (No. 22-16536). (ECF Nos. 8, 9.)

18 "As a general rule, 'the filing of a notice of appeal is an event of jurisdictional
19 significance—it confers jurisdiction on the court of appeals and divests the district court
20 of its control over those aspects of the case involved in the appeal.'" *Est. of Conners by*
Meredith v. O'Connor, 6 F.3d 656, 658 (9th Cir. 1993), *superseded on other grounds by*
21 Fed. R. Civ. P. 54(d)(2)(D) (internal brackets omitted) (quoting *Griggs v. Provident*
22 *Consumer Disc. Co.*, 459 U.S. 56, 58 (1982)). Although Durand's appeal is still pending,
23 he has filed two applications to proceed *in forma pauperis* in this closed action. (ECF Nos.
24 10, 11.) The Court lacks jurisdiction to consider Durand's applications.

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II. CONCLUSION

It is therefore ordered that Durand's applications to proceed *in forma pauperis* (ECF Nos. 10, 11) are denied for lack of jurisdiction.

It is further ordered that Durand must file any documents related to his appeal in his appellate case, not in this closed case.

DATED THIS 20th Day of December 2022.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE